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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,377	12/14/2001	Amr F. Yassin	US 010502	8074
24737 7590 07/11/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
VAN HANDEL, MICHAEL P				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
07/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/017,377

**Applicant(s)**

YASSIN ET AL.

**Examiner**

MICHAEL VAN HANDEL

**Art Unit**

2623

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 23 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-32.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Chris Kelley/  
Supervisory Patent Examiner, Art Unit 2623

Continuation of 3:

Applicant amended claims 1, 2, 11, 12, 16, and 18 to include features from claim 32, thereby changing the limitations of claims 1, 11, 12, 16, and 18 and of the claims depending from claim 2. As such, the amendments raise new issues that would require further consideration and/or search.

Continuation of 11:

Regarding claim 2, the applicant argues that Robinson does not disclose uploading periodically the information related to the winning bid stored in the vault to a billing agent. The applicant specifically argues that Robinson merely discloses immediately sending winning bid information without any storage thereof in a vault, and that any sent information in Robinson is sent to the vendor or server, and not to a billing agent. The examiner respectfully disagrees. Robinson discloses receiving ads and associated bidding agents at an Interactive Internet TV Set-top box via an Internet network (p. 3, paragraph 42). Whenever a bid is won, a record of the ad and bid amount is sent via a TCP/IP socket connection to the server (p. 2, paragraph 30). As such, the examiner interprets the server to be a "vault," as currently claimed. Using this information, estimates can be made regarding the probability that a particular bid will be accepted. One way to do this is to make a list of bid amounts, together with the proportion of wins in each range (p. 3, paragraph 31). This array is then made available to advertisers in order to help them construct their agents. The amounts in the array change over time as the advertising climate changes, so updates are supplied to the advertisers (p. 3, paragraph 32). The examiner interprets this to be a "billing agent" to which the server periodically uploads the information related to the winning bid. As such, the examiner maintains that this meets the limitation of "uploading periodically the information related to the winning bid stored in a vault to a billing agent," as currently claimed.

Further regarding claim 2, the examiner notes that the system of Robinson exists in an Internet environment. As such, even when the data is immediately sent back to a vendor it must be stored or cached prior to transmission. The examiner interprets a "vault" to be memory for storing data. Robinson discloses that, when a bid is accepted, a notice is immediately sent back to the agent environment vendor and the information is used for billing records. Since the data must be stored prior to transmission in an Internet communication, this also meets the limitation of "uploading periodically the information related to the winning bid stored in the vault to a billing agent," as currently claimed. Robinson also discloses that, for agents that can store alterations to a persistent state, the local agent environment can provide the agents with the results of each bid (p. 6, paragraph 92). As such, the examiner maintains that the bidding results are locally stored.